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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/286,794      04/06/99      BAER

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QM12/0131  
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EXAMINER

BLOUNT, S

ART UNIT

PAPER NUMBER

3726

DATE MAILED:

01/31/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/286,794

Applicant(s)

Baer et al

Examiner

R. J.OUNT

Group Art Unit

3726

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 7/21/03
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 10-28 is/are pending in the application.
- ☐ Of the above claim(s) 18-28 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 10-17 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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### **DETAILED ACTION**

1. Newly submitted claims 19-28 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the process as claimed in claims 10-18 can be used to make another and materially different product, such as assembling a shaft extension to a shaft that is not associated with a motor shaft.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 18-28 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

#### ***Claim Objections***

2. Claim 13 is objected to because a dependent claim may not refer to a higher numbered claim.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10, 15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 3,434,366 to Raso et al.

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With regard to claim 10, Raso et al teaches joining the first end of a motor shaft 40 with the first end of shaft extension 33, and then installing the second end of the shaft extension 33 into lower assembly 52.

With regard to claims 15 and 17, member 52 is a ball and roller bearing.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 11-14 and 16 and 18 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 3,434,366 to Raso et al.

With regard to claims 11-12, Raso et al teaches the invention as described above with respect to claim 10. Raso et al does not, however, teach the surface geometry of the first ends of the motor shaft and shaft extension to be either hexagonal or square.

Official notice is taken that the ends of shafts being hexagonal and square shapes are well known in the art.

It would have been obvious, to one of ordinary skill in the art at the time of the invention, to have made the first ends of the motor shaft and shaft extension be either square or hexagonal, in light of the official notice taken, in order to allow for a secure join between these two members.

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With regard to claim 14, Raso et al teaches the shaft extension attached to a gear reducing mechanism at end 28. Raso et al does not, however, teach the lower assembly to comprise a pump impeller.

Official notice is taken that gear reduction units are commonly attached to pump impellers. It is further noted that it would also be obvious to simply place a pump impeller where the gear reduction mechanism is.

With regard to claim 16, official notice is taken that bearings are commonly made of powdered metals.

With regard to claim 18, member 32 is a retainer that is tightened onto the motor shaft.

With regard to claim 13, official notice is taken that retainers such as member 32 typically have threaded channels (at 42) and that it is a matter of design choice whether the retainer 32 is circular as shown, or has a hexagonal shape.

Applicant's arguments with respect to claims 10-17 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Contact Information**

7. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580. Should Applicant desire to submit a DRAFT response to the Examiner by facsimile transmission, then Applicant should contact the Examiner at the number below for instructions concerning the transmission of DRAFT documents. Applicant is reminded to clearly mark any facsimile transmission as "DRAFT" if it is not to be considered as an official response.

8. Any inquiry concerning this communication should be directed to Examiner Steven Blount at telephone number (703) 305-0319.

sb  
January 29, 2001

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700